



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200400521
Date: April 27, 2005
Comments Due: May 27, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Lowe's Cypress Avenue Home Center project, which would result in impacts to approximately 0.974 acres of waters of the United States, including wetlands, in or adjacent to a tributary to Little Churn Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Lowe's Companies Incorporated
Brad Urie
1530 Farraday, #140
Carlsbad, California 92008-7353
760-804-5306

LOCATION: The project site is located in the City of Redding, in Section 5, Township 31 North, Range 4 West, Shasta County, California, and can be seen on the Enterprise, USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a Lowe's Home Center on an approximately 14 acre site near the corner of Cypress Avenue and Churn Creek Road. The project consists of a Lowe's Home Center, parking, and associated infrastructure. The project is proposed next to the recently constructed Safeway Shopping Center. The construction of this project will result in the loss of all waters of the United States within the project limits, totaling 0.974 acres of jurisdictional waters impacted.

Based on the available information, the overall project purpose is to construct a big box type home improvement center servicing the greater Redding, California area.

The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 0.974 acres of waters of the United States, including wetlands within the project area. These water consist of 0.11 acre of perennial stream, 0.136 acres of intermittent pool, 0.454 acre of vernal pool, 0.154 acre of seasonal wet meadow, 0.10 acre of riparian wetland, and 0.02 acre of ephemeral drainage and seasonal wet swale. The site is characterized by undeveloped blue oak woodland habitat surrounded by commercial development to the north, west, and east and Cypress Avenue to the south. The site is partially bisected from north to south then turning westerly by a perennial drainage with associated riparian corridor. The additional seasonal wetlands and

vernal pool habitat are scattered throughout the site. The project is located approximately 550 feet above mean sea level. As stated previously, the project is located adjacent to the Safeway Shopping Center. The Safeway Shopping Center resulted in the loss of approximately 1.183 acres of waters of the United States during its construction. The Lowe's project is proposing to fill the waters of the United States that remained following the Safeway project. Impacts to waters of the United States as a result of this project are cumulative to those of the Safeway project as well as the continued build out of the Redding area.

Alternatives. The applicant has provided information concerning project alternatives. The applicant has stated that there are four off site alternatives to the project site and one on site alternative. All alternate site locations are located within the City of Redding and are depicted on the attached map. All off site alternatives were rejected by the applicant as not practicable by the applicant due to the sites not being currently available or development of the site would not meet the applicants time table. A reduced fill alternative was considered not practicable by the applicant since they determined alteration to their standard project design is not acceptable. Additionally, the applicant has stated that the onsite alternative of re-orientation of the proposed structure which would not reduce the impacts of the project. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed to mitigate impacts to waters of the United States at a ration of 1:1. For a portion of their mitigation requirement the applicant proposes to obtained unused mitigation bank credits originally purchased by Safeway. They also propose to purchase additional mitigation credits to meet their remaining mitigation obligation not covered by the Safeway credits.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board, is required for this project. The applicant has indicated they have applied for certification. Additionally, the applicants have applied for a Streambed Alteration Agreement for California Department of Fish and Game, and the City of Redding is completing its project review under the California Environmental Quality Act.

HISTORIC PROPERTIES: Based on the available information, no known cultural resources exist within the project's area of potential effect. A record search conducted by the applicant reveled no previously recorded archeological resources within the project area. Additional on site archeological survey work will be conducted by the applicant. The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The project site contains wetland features that may support Federally-listed Branchiopods. Specifically, vernal pool fairy shrimp (*Branchinecta lynchi*), vernal pool tadpole shrimp (*Lepidurus packardii*). The applicant is currently conducting surveys to determine if the species are present at the project site. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400521, must be submitted to the office listed below on or before May 25, 2005:

Matthew Kelley, Project Manager
US Army Corps of Engineers, Sacramento District
Redding Regulatory Office
152 Hartnell Avenue
Redding, California 96002-1842
Email: Matthew.P.Kelley@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant, the applicant's agent, North State Resources, POC Connie Carpenter, 530-222-5347x40, or the Corps' project manager Matthew Kelley, 530-223-9534, Matthew.P.Kelley@usace.army.mil.

Attachments: 4 drawings